

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1, 4-11, 13 and 16-21 have been rejected.

Claims 1, 4-11, 13 and 16-21 are pending in this application.

Claims 1, 4-11, 13 and 16-21 have been rejected under 35 U.S.C. §102(c) as being anticipated by Agin (US Publ. 2004/0082301). This rejection is respectfully traversed.

Independent claim 1 was previously amended to include claim 3 and intervening claim 2, which were subsequently canceled. Amended claim 1 clearly describes performing a *delay tolerance* comparison with respect to the different services; selecting the service having the least delay tolerant service; and providing an inner loop power control performance target of the selected service in a manner dependent upon the comparison. The problem solved by the present invention is regarded as improving the delay tolerance of a multi-service radio communication system.

US 2004/0082301 describes an outer control loop that delivers a Signal-to-Interference ratio appropriate for multiple services to an inner control loop [para. 0045-0048 and 0053]. This reference also describes a relation to signal quality indicators [0052]. Applicants respectfully disagree with the Examiner's statement that paragraphs 45-49 describe delay tolerance, as this is nowhere mentioned in these paragraphs or elsewhere. Although this reference shows a selection among various services as a result of a SIR (*quality*) comparison, this is completely different from applicant's selection of services using a comparison using *timing* criterion, i.e. delay tolerance, as recited in claim 1. Moreover, nowhere does this reference mention or suggest the problem of delay tolerance in multi-service radio communication systems, and therefore this reference could not envision applicant novel and non-obvious solution of claim 1.

As this reference is missing the elements of amended claim 1, as detailed above, applicant respectfully submits that claim 1 is deemed to be allowable.

Independent claims 13 was also previously amended to include the same recitations, as detailed with respect to claim 1 above, and is deemed allowable as well for the same reason.

Accordingly, applicant's amended independent claims 1 and 13 are deemed patentably distinct and nonobvious from Agin.

Claim 4-11 and 16-21 are dependent on claims 1 and 13, respectively, and the above comments with respect to these independent claims are hereby incorporated by reference. Therefore, these dependent claims are deemed allowable as well for the same reasons.

Accordingly, applicants respectfully request that this rejection be withdrawn.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection or through an Examiner's amendment.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Respectfully submitted,
Legg et al.

Customer Number 22917
Motorola, Inc.
Law Dept. - 3rd floor
1303 E. Algonquin Rd.
Schaumburg, IL 60196

By: /Brian Mancini/
Brian M. Mancini
Attorney for Applicant(s)
Registration No. 39,288
Phone: (847) 576-3992
FAX: (847) 576-3750